



SOMEBODY HERE NEEDS YOU.

TO: Rep. Lee Chatfield, Chair, Local Government Committee, and Members of the Local Government Committee

FROM: Ann M. Griffin, Esq., Special Projects Manager, Michigan Humane Society

RE: Public Testimony on SB 239

DATE: September 7, 2016

The Michigan Humane Society is testifying in support of SB 239.

The Michigan Humane Society (MHS) thanks Sen. David Robertson for introducing SB 239. MHS also thanks Sen. Chatfield and the Local Government Committee for taking testimony regarding SB 239 and for allowing MHS to share the following information in support of its position.

MHS is the largest and oldest animal welfare organization in the state with more than 200,000 constituents and supporters. MHS works to end companion animal homelessness, provide the highest quality service and compassion to the animals entrusted to our care, and to be a leader in promoting humane values. MHS is a private, nonprofit organization and is not affiliated with any national humane organizations nor any local or regional humane societies or SPCAs.

Michigan Should Join the Growing Number of States Prohibiting Breed-specific Legislation

Currently, twenty-one states either prohibit municipalities from regulating dogs based on breed or prohibit municipalities from declaring dogs to be dangerous, potentially dangerous, or vicious based on breed.¹ Typically referred to as breed-specific legislation (BSL), these statutes or ordinances regulate certain dogs based on the assumption that some dogs are inherently dangerous based on their perceived breed or breed mix.

Michigan should join the growing number of states prohibiting BSL by enacting SB 239. SB 239 strikes a balance, ensures fairness, and prohibits legislation that has been shown to be ineffective and expensive to enforce. Michigan should enforce existing breed-neutral legislation and enact new breed-neutral legislation as appropriate.

¹ Rebecca F. Wisch, *Overview of States that Prohibit Breed-Specific Legislation by State Law*, Animal Legal & Historical Center, <https://www.animallaw.info/article/overview-states-prohibit-bsl> (last visited September 6, 2016).

SB 239 Strikes a Balance and Ensures Fairness

SB 239 would prohibit local units of government from “enact[ing] or enforc[ing] an ordinance or rule that regulates a dog based solely on the breed, perceived breed, or type of dog.” At the same time, the bill would allow local units of government to “enact[] an ordinance or rule that places restrictions or imposes additional requirements on dogs or dog owners.”

This approach allows local units of government to enact legislation that appropriately places responsibility on dog owners for managing their dogs to prevent problems and harm to others (e.g., licensing requirements, vaccination requirements, leash laws, and dangerous dog laws). By requiring that such regulation be breed neutral, this legislation ensures fairness and does not allow local government to interfere with residents’ ownership interest in specific breeds or types of dogs based solely on prejudice.

BSL is Ineffective and Expensive

BSL includes any statute or ordinance that regulates certain dogs based on the assumption that some dogs are inherently dangerous based on their perceived breed or breed mix. These regulations apply to any dogs in the jurisdiction that are thought to be of a particular breed or type regardless of their behavior. The problem with this approach is that a dog’s appearance is not an accurate predictor of his or her behavior.

Enacted with the express intention of protecting the public,

[t]hese proposals usually come after a well-publicized and emotional dog bite incident within or near the local community and are best described as “panic policymaking.” Because these laws are enacted out of emotion, lawmakers often fail to consider the effects of provisions that impact the property rights of responsible dog owners and can involve the seizing and destroying of property (family pets) simply because their dog is of the targeted breed, heritage, or appearance.²

However, BSL is very costly to enforce.³ More important, studies in the U.S. and abroad have shown that BSL does not improve public safety.⁴ BSL is also costly to owners of dogs of a targeted breed who are forced to make significant expenditures or, worse, very difficult decisions. “When a breed is banned, families are forced to choose between moving to another city or county, surrendering their family pet in order to comply with the law, or living in violation of the law. Dogs that are given up or seized under these laws are killed.”⁵

² American Bar Association, Resolution 100, 1

http://www.americanbar.org/content/dam/aba/administrative/mental_physical_disability/Resolution_100.authcheckdam.pdf (August 6-7, 2012) (last visited September 6, 2016).

³ *Id.* at 3. A task force studied the results of a ban on pit bull type dogs in Prince Georges County, MD. Over a two-year period, the county spent \$560,000 attempting to enforce the ban, with questionable results.

⁴ *Id.* at 5-7. For example, in a 2009 article discussing Denver’s 20-year breed ban, the Animal Control Director admitted that he could not say with any certainty whether the ban had made Denver residents any safer. In fact, Labrador Retrievers were the dogs most commonly responsible for dog bites in Denver.

⁵ *Id.* at 7-8.

Enforcing or Enacting Strong, Breed-Neutral Legislation is the Answer

Michigan has strong licensing, vaccination, leash, and dangerous dog laws that should be strictly enforced in order to protect the public. Legislation in other states and Canada that focuses on education and responsible pet ownership has improved public safety.⁶

Conclusion

MHS respectfully requests that the Local Government Committee vote in favor of SB 239, which would enable Michigan to join the ranks of states that have prohibited unfair, expensive, and ineffective breed-specific legislation.

Thank you very much for your time and consideration.

⁶ *Id.* at 9-10. An ordinance in St. Paul, MN that focuses on reckless pet owners was enacted in 2007 and resulted in a decrease in dog bites.